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EXAMINER	
FREEDMAN, LAURA	
ART UNIT	PAPER NUMBER
3616	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/576,409	HOFFMANN ET AL.	
	Examiner	Art Unit	
	Laura Freedman	3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 February 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *20-25 and 27-42* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *39-42* is/are allowed.

6)☒ Claim(s) *20-25 and 27-38* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *25 February 2009* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to the amendment filed 25 February 2009, in which claims 20-24 and 27-36 were amended, claim 26 was cancelled, and claims 39-42 were added.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the first side wall including both the housing floor and the deformation elements must be shown or the feature(s) canceled from the claim(s). As best understood, the housing floor and the deformation elements exist on separate side walls, as opposed to the same side wall. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claim 28 is objected to for depending from cancelled claim 26.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 30-32 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In regards to claim 30, the specification and drawings do not support a configuration in which a side wall includes both the housing floor and the deformation elements, but rather support a configuration in which one side wall includes the housing floor and another side wall includes the deformation elements.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 20-25 and 27-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Satoh et al. (US 5,295,707). Satoh et al. disclose a housing (for example, including #12) for an airbag module of a motor vehicle, the housing comprising:

- Housing floor (for example, including bottom portion of housing)

- First side wall (for example, including #28) having a first degree of deformation
- Second side wall (for example, including #14, 16) having a second degree of deformation (for example, including no degree of deformation)
- The first degree of deformation being greater than the second degree of deformation (for example, including deformation of support member #38 of wall #28 greater than deformation of wall #14; can be seen in figure 4)
- The first side wall defining a generally flat surface (for example, including #38) capable of deformation in response to a deformation force exerted generally in the direction of the housing floor (for example, as can be seen in figure 4) and resisting deformation in response to a tensile force exerted generally in a direction away from the housing floor (for example, upon inflation of airbag, as can be seen in figure 3)
- The generally flat surface includes a deformation bridge (for example, including fold #60) adjacent a cut-out (for example, including complementary recess), the deformation bridge deformable to a predetermined final deformation geometry in response to the deformation force (for example, as can be seen in figure 4)
- The second side wall integrally defines an acceptance area for a gas generator (for example, including #24)
- The second side wall includes a flange area (for example, including area of #14 connected to mount member #42; can be seen in figure 3) with a flange section around which an interior cladding element (for example, including #22) can be swiveled (has the ability to perform) generally in the direction of the housing floor in response to deformation of the first side wall (for example, as can be seen in figure 4)

- The first side wall includes a deformation element (for example, including portion of #38 that includes fold #60 and complementary recess) in the flat surface which weaken the mechanical stability of the first side wall
- The cut-out is in the form of a hole or individual seam (for example, complementary recess is a seam)
- Free end (for example including upper end, as can be seen in figure 1) of the deformation element is connected with a flange area (for example, including #36) for fixing an interior cladding element (for example, including #22)
- The deformation element, in the undeformed state, is at a defined distance to the second side wall (for example, including vertical distance portion of #38 including #60 to bottom of #14 and #16), and in the case of a deformation substantially supports itself on this second side wall crosswise to the deformation force (for example, supported by connection of #38 to bottom of #14 and subsequently to #16 via rivet #40)
- The first side wall is configured to only yield mechanically when the deformation force exceeds a predetermined force (for example, as can be seen in figure 4)
- The deformation bridge includes an integrally formed deformation structure (for example, including fold #60 and complementary recess)
- Injection channel (for example, including central channel that houses airbag and gas generator and defined by walls #14, 16, 20, 28 and flanges #42, 44) integrated into the housing for targeted unfolding of an airbag (for example, including #18) of the airbag module, whose one channel wall is at least partially formed by the first side wall (for example, as can be seen in figure 3)

- Second side housing part (for example, including #14, 16) forms at least a part of a wall of the housing, the housing floor, an acceptance area for the airbag module, and a first flange area with a rotation or bend round section
- First side housing part (for example, including #28) forms the deformation bridge and adjacent cut-out, a second flange area for fixing of an interior cladding element, and an upper section of an injection channel, and substantially forms the injection channel
- Support element (for example, including unlabeled portion beneath wall #16 that attaches airbag module to vehicle body, as can be seen in figures 2-4) is integrally formed with the housing floor, integrally formed with the second side housing part, and fixed to both the housing floor and second side housing part
- The housing is formed as an airbag module (for example, including #10), in which the gas generator, airbag, deformation bridge, injection channel for the airbag, and first and second flange areas are configured for fixing of the interior cladding element (for example, as can be seen in figures 2-4)
- The housing includes an open side (for example, including top portion in figure 1) covered by a cover foil (for example, including #22)
- The housing is formed as a passenger airbag module (including Abstract).

While Satoh et al. do not specifically disclose a plurality of deformation bridges, cut-outs, or deformation elements, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the generally flat surface to include a plurality of deformation bridges, cut-outs, and deformation elements, as claimed, so as to provide additional deformation capability, and since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art, and would yield predictable results.

Allowable Subject Matter

8. Claims 39-42 are allowed.

9. The following is a statement of reasons for the indication of allowable subject matter:

the allowable subject matter of claim 39 is application of a deformation force to the first side wall generally in a direction of the housing floor deforming the deformation bridges the predetermined distance to the extending portion of the second side wall for controlled deformation of the first side wall, in combination with other features of the claim;

the allowable subject matter of claim 41 is the side including a first wall portion and a deformable portion depending from the first wall portion and normally positioned a distance from the first wall portion, the deformable portion being deformable in response to a deformation force such that continued deformation is opposed by contact with the first wall portion, in combination with other features of the claim.

Response to Arguments

10. Applicant's arguments filed 25 February 2009 have been fully considered but they are not persuasive. While Satoh et al. ('707) do not specifically disclose a plurality of deformation bridges, cut-outs, or deformation elements, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the generally flat surface to include a plurality of deformation bridges, cut-outs, and deformation elements, as claimed, so as to provide additional deformation capability, and since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art, and would yield predictable results, as set forth above. Further, in regards to the phrase "can be swiveled" in claim 22, Satoh et al. ('707) need only be able to perform this function in order to read on this portion of the claim, and the ability to do so can be seen in figure 4.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura Freedman whose telephone number is (571) 272-2442. The examiner can normally be reached on Monday-Friday, 9:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Laura Freedman
Examiner
Art Unit 3616

/LF/

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